

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

Case No. 1:14-cv-954

UNIVERSITY OF NORTH CAROLINA
et al.,

Defendants.

DECLARATION OF THOMAS R. MCCARTHY

1. I am a member in good standing of the bars of the Commonwealth of Virginia and the District of Columbia. I am a partner at Consovoy McCarthy Park PLLC. I am one of the attorneys representing Plaintiff Students for Fair Admissions, Inc. ("SFFA") in the above-captioned matter. I submit this declaration in support of SFFA's Opposition to UNC's Motion to Dismiss for Lack of Subject Matter Jurisdiction.

2. Attached hereto as Exhibit A is a true and accurate copy of excerpts of the deposition of Edward J. Blum as Rule 30(b)(6) Designee of SFFA, dated May 12, 2017, and filed under seal.

3. Attached hereto as Exhibit B is a true and accurate copy of the Certificate of Incorporation for SFFA, dated July 31, 2014.

4. Attached hereto as Exhibit C is a true and accurate copy of the Bylaws of SFFA, dated June 19, 2015.

5. Attached hereto as Exhibit D is a true and accurate copy of the Application for Tax-Exempt Status for SFFA, dated October 8, 2014.

6. Attached hereto as Exhibit E is a true and accurate copy of the Determination of Tax-Exempt Status of SFFA from the Internal Revenue Service, dated January 30, 2015.

7. Attached hereto as Exhibit F is a true and accurate copy of the Written Consent of the Board of Directors of SFFA to amend the Bylaws, dated June 19, 2015.

8. Attached hereto as Exhibit G is a true and accurate copy of the Declaration of [REDACTED], dated April 9, 2017 and filed under seal.

9. Attached hereto as Exhibit H is a true and accurate copy of excerpts of the deposition of [REDACTED], dated June 21, 2017, and filed under seal.

10. Attached hereto as Exhibit I is a true and accurate copy of excerpts of SFFA's Fourth Amended Objections and Responses to Defendants' First Combined Discovery Requests to Plaintiff, dated November 15, 2017 and filed under seal.

11. Attached hereto as Exhibit J is a true and accurate copy of the Declaration of [REDACTED], dated April 20, 2017 and filed under seal.

12. Attached hereto as Exhibit K is a true and accurate copy of the Declaration of [REDACTED], dated April 18, 2017 and filed under seal.

13. Attached hereto as Exhibit L is a true and accurate copy of the Declaration of [REDACTED] dated April 12, 2017 and filed under seal.

14. Attached hereto as Exhibit M is a true and accurate copy of the Declaration of [REDACTED], dated November 15, 2017 and filed under seal.

15. Attached hereto as Exhibit N is a true and accurate copy of the Declaration of [REDACTED], dated November 15, 2017 and filed under seal.

16. Attached hereto as Exhibit O is a true and accurate copy of the Bylaws of Conservation Law Foundation, Inc., dated June 18, 2008, available at <http://www.charities.ago.state.ma.us/charities/index.asp>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this day, November 15, 2017.

/s/ Thomas R. McCarthy
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